

Application No. 10/774504
Amendment dated 8 December 2005
Reply to Office Action of 8 September 2005

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REMARKS

This communication is responsive to the Office Action mailed 8 September 2005.

The Applicant has:

- amended claims 1, 2, 7, 9, 13, 16, 17, 19 and 22;
- canceled claims 6, 8, 10-12, 14, 15, 18, 21 and 23-28; and
- added new claims 29-36.

The amendments and new claims are submitted to be completely supported by the application as originally filed and to add no new matter. Claims 1-5, 7, 9, 13, 16, 17, 19, 20, 22 and 29-36 are pending after this amendment.

Withdrawn Claims

Claims 4, 9, 13, 16, 17, 19, 20 and 22 have been withdrawn by the species election filed 22 July 2005. However, these claims (as amended) depend from claim 1, which is submitted to be allowable (as discussed below) and generic to the non-elected species. Accordingly, the Applicant respectfully requests rejoinder of claims 4, 9, 13, 16, 17, 19, 20 and 22 upon allowance of claim 1.

Clarity Objections

The Office Action has raised 35 USC § 112 in connection with claims 1-3, 5 and 7.

The Applicant has amended claim 1 to define the geometry of the hinge components recited therein and submits that, as a result of these amendments, claims 1-3, 5 and 7 comply with 35 USC § 112. More particularly, claim 1 has been amended to:

- delete the references to "on a side of the pin away from the second part", "in front" and "frontward" which the Office Action indicated to be indefinite; and
- provide the relative orientation of the first and second parts by reciting "the first part located generally forwardly of the second part and the second part located generally rearwardly of the first part".

The Applicant submits that, as a result of these amendments, claims 1-3, 5 and 7 comply with 35 USC § 112.

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Objections based on US patent No. 4,448,327 (Gahm)

The Examiner has raised Gahm in connection with claims 1-3, 5 and 7 under 35 USC § 102. The Applicant submits that claims 1-3, 5 and 7 patentably distinguish Gahm.

As understood, Gahm discloses a plastic container incorporating a base (41) and a cover (42) for mating with base (41). A hinge pin (20') is held to base (41) at its first end by a first pair of opposed shoulder portions (44a) and at its second end by a second pair of opposed shoulder portions (44b). Cover (42) comprises a projection (49) which has an opening (50) for receiving hinge pin (20') in region (51).

Gahm does not disclose a "hook member" having the features recited in claim 1. More particularly, Gahm fails to disclose or suggest the claim 1 combination of "a first hiding member portion, the first hiding member portion located forwardly of the hinge pin" and "a hook member connected to the second part, the hook member hooked around the hinge pin by extending from a section of the second part located rearwardly of the hinge pin, through a space between the first hiding member portion and the hinge pin, around the hinge pin and back toward the second part". This combination of features specifies that the claim 1 "hook member" extends from second part on a rearward side of the hinge pin, around a forward side of the hinge pin (i.e. "through a space between the first hiding member portion and the hinge pin", where the "first hiding member portion" is recited to be "located forwardly of the hinge pin") and back toward the second part on the rearward side of the hinge pin.

Neither the opposed shoulder portions (44a, 44b) nor the projection (49) disclosed by Gahm extends from a part located on a rearward side of hinge pin (20'), around a forward side of the hinge pin and back toward the part as recited in claim 1. The Gahm shoulder portions (44a, 44b) shown in Figure 2A have an opening (45) on the side opposite to the part (i.e. the non-numerated L-shaped member). Similarly, the Gahm projection (49) shown in Figure 4A has an opening (50) on the side opposite to the part (i.e. the non-numerated L-shaped member).

In addition, the Applicant submits that the Gahm hinge will not function as disclosed. The Office Action suggests that the L-shaped members shown in Figures 2A and 4A could be "hiding members". However, careful consideration of Gahm Figures 2A and 2B indicates that these L-shaped members will interfere with one another when lid (42) is pivoted with respect to base (41). Figures 2A and 4A of Gahm are reproduced below.

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Figure 2A is exactly as depicted in Gahm, but Figure 4A (and its accompanying reference numerals) have been inverted to show how hinge pin (20') is received in region (51) via opening (50).

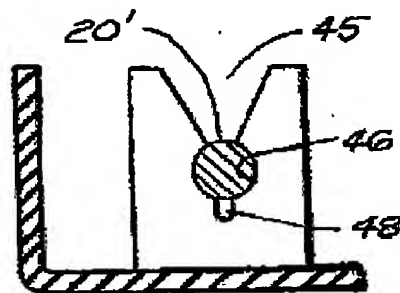
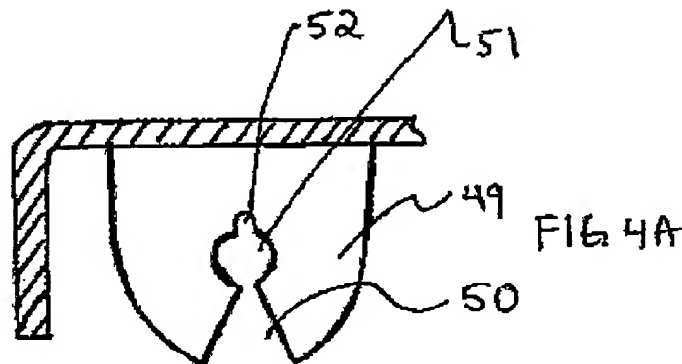


FIG 2A

It can be seen from this reproduction that if projection (49) of lid (41) is coupled to hinge pin (20'), the L-shaped members will interfere with one another to prevent pivotal motion of lid (42) relative to base (41). In order to function, the Gahm hinge mechanism can not have the features shown in Figures 2A and 4A. Consequently, the Applicant submits that it is improper to use these aspects of Gahm as a basis for a rejection under 35 USC § 102.

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Based on this reasoning, the Applicant submits that claim 1 patentably distinguishes Gahm. Claims 2, 3, 5 and 7 depend from claim 1 and are submitted to be patentable for at least this reason.

Objections based on the combination of Gahm and US patent No. 2,677,479 (Kiba)

The Examiner has raised the combination of Gahm and Kiba in connection with claims 1-3, 5 and 7 under 35 USC § 103. The Applicant submits that claims 1-3, 5 and 7 patentably distinguish the combination of Gahm and Kiba.

As understood Kiba discloses a box (15) hingedly coupled to a lid (16). The hinges consist of a pintle part (18) and a hook portion (19). Pintle part (18) is spaced apart from lid (16) using bosses (18a) at its ends. Hook (19) hooks around pintle part (18) to form the hinge.

Claim 1 recites a "hiding member" for concealing the hinge. As correctly observed by the Examiner, Kiba fails to disclose or suggest this claim 1 feature.

The Office Action suggests that forming the Kiba pintle part (18) inside of flange (16a) will provide a concealed hinge having the features recited in claim 1. More particularly, the Office Action expresses the view that it would be obvious to modify the Kiba box with the teaching of Gahm to provide the hinge on the inside of flange (16a) to enhance the aesthetic appearance of the box. The Applicant respectfully submits that this combination would not lead to the invention recited in claim 1 in an obvious manner.

The Applicant submits that a person skilled in art would not form the Kiba pintle part (18) on the inside of flange (16a) because, if pintle part (18) was on the inside of flange (16a), there would be no way of hooking hook (19) around pintle part (18) to assemble a box having a functional hinge between the box and its lid. Flange (16a) of lid (16) and the flanges of box (15) would prevent hook (19) from hooking around pintle part (16a).

Secondly, a person skilled in the art would not modify hook-based hinge components to put them in an interior of a box, because the contents of the box could be caught in the hook opening and be damaged when the lid of the box is opened or closed.

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Thirdly, as discussed above, the L-shaped flanges shown in Figures 2A and 4A of Gahm would prevent the proper operation of the Gahm hinge. Accordingly, a person skilled in the art would not make use of the L-shaped flanges disclosed by Gahm to make or modify a functional hinge.

Based on this reasoning, the Applicant respectfully submits that claim 1 patentably distinguishes the combination of Gahm and Kiba. Claims 2, 3, 5, 7 depend from claim 1 and are submitted to patentably distinguish the combination of Gahm and Kiba for at least this reason.


New claims

The Applicant has added new claims 29-36. New claims 29-36 depend from claim 1 and are submitted to be patentable for at least this reason.

Conclusions

In view of the amendments and comments presented above, the Applicant submits that this application is now in condition for allowance and respectfully requests reconsideration and allowance of this application.

Respectfully submitted,
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